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December 10, 2007

Via ECF

The Honorable Shira A. Scheindlin
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: C.D. Kobsons, Inc. v. United National Specialty Insurance Company
Docket No. 07 CV 11034 (SAS)

Dear District Judge Scheindlin:

Please be advised that we write as counsel to plaintiff, C.D. Kobsons, Inc. in connection with the above referenced matter.

Plaintiff, C.D. Kobsons, Inc., commenced the instant action seeking a declaratory judgment when defendant, United National Specialty Insurance Company canceled the general liability insurance policy it issued to plaintiff, insuring a premises known as 500 West 28th Street, New York, New York. Defendant canceled the policy after receiving notification from plaintiff that an "unsafe building notice" was issued by the New York City Department of Buildings with respect to the aforementioned premises. Defendant maintained that there was a material change to the property/risk since the last renewal date (June 15, 2007) permitting the termination of coverage. However, plaintiff argues and has produced evidence that the building in question has been in the same condition for as long as 6 months prior to the renewal date.

On November 27, 2007 an application was made to Justice Carol Edmead by Order to Show Cause seeking injunctive relief and a subsequent hearing to determine whether defendant properly canceled the general liability insurance policy it wrote for plaintiff. Justice Edmead denied plaintiff's application for a temporary restraining order, however, scheduled a hearing for December 12, 2007 at 9:30 a.m. In the interim, on December 5, 2007 the defendant removed the instant action to Federal Court under diversity jurisdiction; we received the Notice of Removal on December 7, 2007.

Accordingly, plaintiff respectfully requests that a scheduling conference be held, so that a hearing may be held expeditiously, in light of the circumstances surrounding the instant action as plaintiff owns a building that is "unsafe" and is presently uninsured.

Thank you for your attention to this matter, should you have any questions please feel free to contact the undersigned.

Very truly yours,

BRILL & ASSOCIATES, P.C.

By: /s/
Haydn J. Brill (HB3040)

HJB/cr

cc:
Nicoletti Gonson Spinner & Owen, LLP
Attn: Edward S. Benson, Esq. (Via ECF)